

EXHIBIT O

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IN RE: ORAL PHENYLEPHRINE
MARKETING AND SALES PRACTICES
LITIGATION

Master Docket No.:
23-md-3089-BMC

THIS DOCUMENT APPLIES TO:
ALL CASES

**DECLARATION OF SHIREEN CLARKSON IN SUPPORT OF APPOINTMENT TO
PLAINTIFFS EXECUTIVE COMMITTEE**

I, Shireen M. Clarkson, declare as follows:

1. I am Co-founder and Senior Partner at Clarkson Law Firm, P.C., a 25-attorney public interest law firm headquartered in Malibu, California. Clarkson's attorneys have held lead roles in MDL's and complex class actions. I have 19 years of litigation experience, mostly on behalf of consumers in state and federal class actions involving food fraud, cosmetics misbranding, supplement mislabeling, and defective pharmaceutical drugs and medical devices. Attached hereto as Exhibit 1 is the firm resume for Clarkson Law Firm, P.C.

2. I have represented thousands of clients in mass tort and representative actions against Big Pharma, in which I managed clients, prepared pleadings, managed discovery, and was involved in the decision-making process regarding client settlements:

- *Grair v. GlaxoSmithKline, Inc.*, Case No.: BC288536, Los Angeles County Superior Court (part of co-lead counsel team which obtained a \$9 million class settlement for false advertising of Paxil after 8 years and multiple appeals).
- *In Re: Actos Products Liability Litigation*, California JCCP 4696 (Hon. Kenneth R. Freeman) (represented hundreds of bladder cancer and cardiac patients).

- *In Re: Pradaxa Products Liability Litigation*, MDL 2385 in the U.S. District Court for the Southern District of Illinois (Honorable Daniel Stack) (represented hundreds of internal bleeding patients).
- *In Re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation*, MDL 2325 in the U.S. District Court for the Southern District of West Virginia (Honorable Joseph R. Goodwin) (represented hundreds of vaginal mesh and/or sling implant surgery patients).
- *In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation*, MDL 2326 in the U.S. District Court for the Southern District of West Virginia (Honorable Joseph R. Goodwin) (represented hundreds of vaginal mesh and/or sling implant surgery patients).
- *In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation*, MDL 2187 in the U.S. District Court for the Southern District of West Virginia (Honorable Joseph R. Goodwin) (represented hundreds of vaginal mesh and/or sling implant surgery patients).
- *In Re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, MDL 2327 in the U.S. District Court for the Southern District of West Virginia (Honorable Joseph R. Goodwin) (represented hundreds of vaginal mesh and/or sling implant surgery patients).

3. I am passionate about the issues implicated in this case and have already dedicated substantial time, resources, and energy into investigating, understanding, and building this case. For nearly two years, I have been in communication with the key researchers of oral phenylephrine—academics and clinicians whose published works provided the basis of the FDA

Citizen's Petition challenging its efficacy. I have been retained by over a dozen affected consumers in as many states throughout the country and my team is in regular communication with dozens more.

4. As a mother to a young daughter, I am hyper-focused on the health of my family, which is why the safety and efficacy of pharmaceuticals have always been a strong interest of mine, personally and professionally. My practice also focuses on the fraudulent advertising and sale of foods, cosmetics, and dietary supplements, particularly to groups like children and the elderly.

5. My double minority status will bring a unique perspective to leadership. As a woman of Middle Eastern descent, I understand the struggle of marginalized people and the disproportionate impact it can have on their health and financial condition. These unique perspectives inform my practice, and theories of liability and damages which may not always be apparent.

6. As a Senior Partner at Clarkson, I am in the privileged position to be able to select and devote my time to the cases about which I am most passionate. I am already fully committed to this case and am willing to commit whatever time and resources are required to achieve a successful result for the consumer classes. I am a team player with broad support among other plaintiffs' firms who, along with my partners Ryan Clarkson and Glenn Danas, have been cooperating with other firms to effectively position this case for success.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 23, 2024

/s/ Shireen M. Clark
Shireen M. Clarkson

Exhibit 1

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FIRM RESUME

Headquartered in Malibu, California, the public interest attorneys of CLARKSON LAW FIRM, P.C. (“Clarkson”) have represented plaintiffs and defendants, consumer classes and small businesses, in state and federal court, at trial and appellate levels, in class action and collective action cases, throughout California and the United States. Clarkson has an active civil trial practice and track record of success, having won numerous contested class certification motions and appointments as class counsel, leading to numerous high-value class settlements. In addition, Clarkson has been involved in prosecuting extensive and complex healthcare cases.

NOTABLE REPRESENTATIVE CASES

In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Prods. Liab. Litig., MDL No. 3014 (W.D. Penn. 2022) (Clarkson is involved with Plaintiff’s steering committee on law and briefing in a case involving consumers impacted by defective Philips CPAP devices);

Estate of Lokken v. UnitedHealth Group, Inc., No. 0:23-cv-03514 (D. Minn. 2023); *Barrows v. Humana, Inc.*, No. 3:23-cv-00654-RGJ (W.D. Ky. 2023.) (Clarkson is representing plaintiffs in two separate insurance bad-faith cases for wrongful use of an AI to deny coverage to elderly patients enrolled in Medicare Advantage Plans);

Kisting-Leung v. Cigna Corp., No. 2:23-cv-01477-DAD-KJN (E.D. Cal. 2023) (Clarkson is representing plaintiffs whose medical coverage was wrongfully denied by an AI, without proper medical review);

Baton v. Sas, Case No. 21017036, 2022 U.S. App. LEXIS 33183 (9th Cir. Dec. 1, 2022) (Clarkson represented a high volume of consumers in a data breach action where the appellate court reversed the district court’s dismissal on jurisdictional grounds);

Hezi et al. v. Celsius Holdings, Inc., (S.D.N.Y. Nov. 23, 2022) (granting preliminary approval of nationwide class settlement);

White v. The Kroger Co., 2022 U.S. Dist. LEXIS 54273 (N.D. Cal. Mar. 25, 2022) (denying defendant’s FRCP 12(b)(1), 12(b)(6), and 9(b) motion to dismiss reef-safe claims);

Locklin v. StriVectin Operating Co., 2022 U.S. Dist. LEXIS 52461 (N.D. Cal. Mar. 23, 2022) (defendant’s FRCP 12(b)(6) motion to dismiss reef-safe claims denied);

Prescott v. Bayer Healthcare, LLC, Case No. 20-cv-00102-NC (N.D. Cal. Dec 15, 2021) (false

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labeling and advertisement of products as “Mineral-based;” Clarkson appointed Class Counsel and final approval of the nationwide class settlement granted);

Swetz v. GSK Consumer Health, 2021 U.S. Dist. LEXIS 227208 (S.D.N.Y. Nov. 22, 2021) (false labeling and advertisement of products as “100% Natural” and “Clinically proven to curb cravings;” Clarkson appointed Class Counsel and final approval of the nationwide class granted);

O’Brien and Kipikasha v. Sunshine Makers, Inc., San Bernardino Superior Court, Case No. CIVSB2027994 (Sept. 21, 2021) (false labeling and advertisement of products as “Non-Toxic;” Clarkson appointed Class Counsel and granting final approval of nationwide class);

Moore v. GlaxoSmithKline Consumer Healthcare Holdings (US) LLC, et al., 2021 U.S. Dist. LEXIS 150394 (N.D. Cal. Aug. 6, 2021) (defendant’s FRCP 12(b)(1) and 12(b)(6) motion to dismiss “100% Natural”, “Natural”, “Naturally Sourced Ingredients”, and “100% Naturally Sourced Ingredients” ChapStick claims denied);

Prescod v. Celsius Holdings, Inc., Los Angeles Superior Court, Case No. 19STCV09321, 2021 Cal. Super. LEXIS 8246 (Aug. 2, 2021) (false labeling and advertisement of products as having *Prescod v. Celsius Holdings, Inc.*, Los Angeles Superior Court, Case No. 19STCV09321, 2021 Cal. Super. LEXIS 8246 (Aug. 2, 2021) (false labeling and advertisement of products as having “No Preservatives”; class certification granted and appointment of Clarkson as Class Counsel by the Hon. Kenneth Freeman; finding Clarkson has “significant experience in litigating class actions in false and deceptive advertising class actions, wage and hour class actions);

Coleman v. Mondelez Int’l, Inc., 2021 U.S. Dist. LEXIS 139190 (C.D. Cal. July 26, 2021) (defendant’s FRCP 12(b)(6) motion to dismiss slack-filled Swedish Fish® candy box claims denied);

Maisel v. Tootsie Roll Indus., LLC, 2021 U.S. Dist. LEXIS 139846 (N.D. Cal. July 27, 2021) (defendant’s FRCP 12(b)(6) motion to dismiss slack-filled Junior Mints® and Sugar Babies® candy box claims denied);

Maisel v. S.C. Johnson & Son, Inc., 2021 U.S. Dist. LEXIS 86203 (N.D. Cal. May 5, 2021) (defendant’s FRCP 12(b)(1), 12(b)(2), 12(b)(6), and 9(b) motion to dismiss “Plant-based ingredients”, “With plant-based ingredients”, “Plant-based & mineral ingredients”, and “With plant-based and mineral ingredients” ecover cleaning claims denied on May 5, 2021);

Mateski, et al. v. Just Born, Inc., San Bernardino Superior Court, Case No. CIVDS1926742 (unlawful and deceptive packaging of movie theater box candy; appointment of Clarkson as Class Counsel and final approval of a nationwide class granted by Hon. David Cohn);

Gunaratna v. Dennis Gross Cosmetology LLC, 2020 U.S. Dist. LEXIS 249995 (C.D. Cal. Nov. 13, 2020) (defendant’s FRCP 8, 9(b) and 12(6) motion to dismiss false advertising claims denied);

Thomas v. Nestle USA, Inc., Los Angeles Superior Court, Case No. BC649863, 2020 Cal. Super.

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LEXIS 45291 (unlawful and deceptive packaging of box candy; granting the largest known slack-fill class action settlement in the country);

Escobar v. Just Born, Inc., 2019 U.S. Dist. LEXIS 167841 (C.D. Cal. June 19, 2019) (unlawful and deceptive packaging of movie theater box candy; class certification granted by Hon. Terry J. Hatter, Jr.);

Iglesias v. Ferrara Candy Co., Case No. 3:17-cv-00849-VC (N.D. Cal. Oct. 31, 201) (unlawful and deceptive packaging of movie theater box candy products; Clarkson appointed Class Counsel and final approval of \$2.5 million nationwide class granted by the Hon. Vince Chhabria);

Tsuchiyama v. Taste of Nature, Los Angeles Superior Court, Case No. BC651252 (Oct. 24, 2018) (unlawful and deceptive packaging of movie theater box candy; notice of settlement and stipulation of dismissal entered pursuant to final approval of nationwide class in related case *Trentham v. Taste of Nature, Inc.*, Case No. 18PG-CV00751 granted);

Amiri, et al. v. My Pillow, Inc., San Bernardino Superior Court, Case No. CIVDS1606479 (Feb. 26, 2018) (certified nationwide class action settlement against a global direct-to-consumer novelty goods company for false advertising and mislabeling of a pillow product as able to cure ailments; final approved and Clarkson appointed Class Counsel);

Garcia v. Iovate et al., Santa Barbara Superior Court, Case No. 1402915 (Mar. 15, 2015) (Mr. Clarkson successfully intervened in this case on behalf of a class of consumers of the popular “Hydroxycut” weight loss supplement. Mr. Clarkson and co-counsel increased the size of the settlement by more than ten-fold to a total court-approved settlement value against global dietary supplement manufacturer for false advertising and mislabeling the weight loss product)

Morales, et al. v. Kraft Foods Group, Inc., 2015 U.S. Dist. LEXIS 177918 (C.D. Cal. June 23, 2015) (Mr. Clarkson and Mrs. Clarkson served as lead class counsel in a California certified class action lawsuit against the world’s second-largest food and beverage company for false advertising and mislabeling of food product as “natural.”)

Johnson v. GlaxoSmithKline, Inc., 166 Cal. App. 4th 1497, 83 Cal. Rptr. 3d 607, (2008) (While at her former law firm, Mrs. Clarkson assisted in achieving a class settlement for a class of California consumers of the drug Paxil. This was a hard-fought lawsuit that spanned over the course of eight years. The settlement changed the general perception of sleeping pills which are no longer regarded as “non-habit forming” as falsely advertised by GlaxoSmithKline);

Penos vs. Zell, et al., Los Angeles County Superior Court, Case No. BC398686 (May 25, 2012) (Mrs. Clarkson assisted in uncovering Labor Code violations on behalf of employees in this certified class action lawsuit. She was an integral part of the discovery, briefing, and negotiations that ultimately led to a class action settlement of this matter, resulting in hundreds of thousands of dollars to the employee class.);

Penos vs. Zell, et al., Los Angeles County Superior Court Case No. BC398686 (Feb. 15, 2011)

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(California certified class action against an employer for Labor Code violations).

Imburgia, et al. vs. DirecTV Inc., Los Angeles County Superior Court, Case No. BC398295 (California certified class action lawsuit on behalf of consumers against a major broadcast satellite provider for unlawful termination fees);

Grair vs. Johnson v. GlaxoSmithKline, Inc., 166 Cal. App. 4th 1497 (2009), Los Angeles County Superior Court, Case No. BC288536 (California certified class action lawsuit against a major pharmaceutical manufacturer for false advertising of the anti-depressant, Paxil, as non-habit forming before the Hon. Elihu Berle);

Wally v. CCA Industries, Inc., Los Angeles County Superior Court, Case No. BC422833 (certified nationwide class action lawsuit against a major nutraceutical company for falsely advertising a popular weight loss supplement to millions of consumers before the Hon. Anthony J. Mohr);

Smart v. Obesity Research Institute, LLC, et al., Los Angeles Superior Court, Case No. BC407882/BC426780 (certified nationwide class action lawsuit against a major nutraceutical company for falsely advertising a popular weight loss product to millions of consumers before the Hon. Michael L. Stern);

Pagano v. Weather Shield Mfg., Inc., et al., Contra Costa Superior Court, Case No. C080060 (California certified class action against major window manufacturer before Hon. Barry Goode);

Fluoroquinolone Antibiotic Cases (Mr. Clarkson was the first plaintiff attorney in the country to represent clients in connection with claims involving permanent and disabling nerve damage caused by Levaquin, Cipro, and Avelox manufactured by Johnson & Johnson and Bayer Pharmaceuticals. Mr. Clarkson represented dozens of clients across the country).